



**STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Disability Services
Aging and Long-Term Support Administration
PO Box 45600, Olympia, WA 98504-5050**

July 17, 2013

CERTIFIED MAIL 7007 1490 0003 4202 4687

Administrator
Maplewood Gardens
1100 North Superior
Spokane WA 99202

Assisted Living Facility License #1806
Licensee: KA-4 Associates, LLC

**IMPOSITION OF CIVIL FINES AND
IMPOSITION OF CONDITIONS ON A LICENSE**

Dear Administrator:

This letter constitutes formal notice of the imposition of civil fines and a condition on the license for your assisted living facility, located at **1100 North Superior, Spokane, Washington**, by the State of Washington, Department of Social and Health Services, pursuant to Laws of 1998, Chapter 272; RCW 18.20.190.

The civil fines are based on the following violations of the Revised Code of Washington (RCW) and Washington Administrative Code (WAC) found by the department at your assisted living facility. These and other deficiencies are more fully described in the attached Statement of Deficiencies report completed by the department on **June 25, 2013**.

WAC 388-78A-2120(2)(a)(b)(3)(a)(b)(4) Monitoring residents' well-being. **\$400 .00**
\$100.00 x 4 residents

The licensee failed to identify and respond to resident changes. This is a repeat violation of deficiencies cited on March 11, 2011, August 18, 2011, May 15, 2012, July 25, 2012, and February 25, 2013.

WAC 388-78A-2210(1)(b) Medication services. **\$100.00**

The licensee failed to ensure residents received medication as ordered. This is a repeat violation of deficiencies cited on August 4, 2010, April 29, 2011, August 15, 2011, and May 14, 2013.

WAC 388-78A-2240 Nonavailability of medications. **\$1,300.00**
Resident #1 – 4 doses; \$100.00 x 4
Resident #2 – 4 doses; \$100.00 x 4
Resident #4 – 5 doses; \$100.00 x 5

The licensee failed to assure residents' medications were re-ordered. This is a repeat violation of deficiencies cited on January 12, 2012.

WAC 388-78A-2700 (2)(c)(i)(ii)(iii) Safety measures and disaster preparedness. **\$400.00**
\$100.00 x 4 residents

The licensee failed to investigate incidents resulting in negative outcome for residents.

The conditions are based on violations of the Revised Code of Washington (RCW) and Washington Administrative Code (WAC) regulations found by the department at your adult family home. These and other deficiencies are more fully described in the attached Statement of Deficiencies report completed by the department on **June 25, 2013**.

WAC 388-78A-2120(2)(a)(b)(3)(a)(b)(4) Monitoring residents' well-being.

The licensee failed to identify and respond to resident changes. This is a repeat violation of deficiencies cited on March 11, 2011, August 18, 2011, May 15, 2012, July 25, 2012, and February 25, 2013.

WAC 388-78A-2210(1)(b) Medication services.

The licensee failed to ensure residents received medication as ordered. This is a repeat violation of deficiencies cited on August 4, 2010, April 29, 2011, August 15, 2011, and May 14, 2013.

WAC 388-78A-2240 Nonavailability of medications.

The licensee failed to assure residents' medications were re-ordered. This is a repeat violation of deficiencies cited on January 12, 2012.

The department, based on the findings of the inspection, has determined that the following conditions shall be placed on your license:

- *The facility must hire a licensed nurse consultant, not presently associated with the facility, to assist the facility in the development and implementation of an effective medication management system that meets the needs of the residents.*
- *The consultant must be hired by August 1, 2013.*

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- *The consultant will train appropriate staff, including the Administrator, on the medication management system.*
- *The licensee will give the consultant a copy of the June 25, 2013 Statement of Deficiencies.*
- *The consultant will be available to the Department for questions.*
- *The conditions will remain in effect until the licensee demonstrates on-going compliance with medication management.*
- *The licensee must post the Notice of Conditions with the license in a visible location in a common use area.*

The effective date of the condition on your license is **July 17, 2013**. As provided in RCW 18.20.190, the effective date of the condition on your license will not be postponed pending an administrative hearing or informal dispute resolution review.

Plan
(Plan of Correction)

You Must:

Return the plan, on the enclosed report, within 10 calendar days after you receive this letter.

Include the following in your plan for each deficiency:

- The date you have or will correct each deficiency; and
- Provide a signature and date certifying that you have or will take corrective measures to correct each cited deficiency.

Send your plan to:

Elena Madrid, Field Manager
District 1, Unit A
316 West Boone, Suite 170
Spokane, WA 99201-2351
Phone: (509) 323-7316 / Fax: (509) 329-3993

You may contest the civil fines and condition on your license by requesting an administrative hearing. To do so, the Office of Administrative Hearings must receive your written request for a hearing within twenty-eight (28) calendar days following your receipt of this letter. A copy of this letter and a copy of the enclosed Statement of Deficiencies must be included with your request. Send your request to:

Office of Administrative Hearings
PO Box 42489
Olympia, Washington 98504-2489

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If no hearing is requested, the fine is due twenty-eight (28) calendar days after receipt of this notice. Please remit a check for **\$2,200.00** payable to the Department of Social and Health Services. The check should be sent to:

**DSHS Office of Financial Recovery
PO Box 9501
Olympia, Washington 98507-9501**

If payment has not been received within twenty-eight (28) calendar days after receipt of this notice, interest will begin to accrue on the balance at the rate of one percent per month. If you do not submit a hearing request or make payment within twenty-eight (28) calendar days, the balance due the department will be recovered.

As provided in RCW 18.20, you may request an informal dispute resolution review of enforcement actions initiated in response to a Statement of Deficiencies report. During the informal dispute resolution process you also have the right to present written evidence refuting this action. A request for informal dispute resolution review will not change the deadline for you to request an administrative hearing. Informal dispute resolution review by the department is not binding in an administrative hearing.

To request an informal dispute resolution review, send your written request to:

**Informal Dispute Resolution Program Manager
Aging and Disability Services Administration
PO Box 45600
Olympia, Washington 98504-5600
Fax (360) 725-3225**

The written request should:

- Identify the citation and/or enforcement action that is disputed;
- Explain why you are disputing the action;
- Indicate the type of dispute resolution process you prefer (direct meeting, telephone conference or documentation review); and,
- Be sent within 10 working days of your receipt of this notice.

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If you have any questions, please contact Elena Madrid at (509) 323-7316.

Sincerely,

Lori Melchiori, Ph.D.
Assistant Director
Residential Care Services

Enclosure

cc: David Moon, Compliance Specialist
RCS Field Manager –District 1, Unit A
RCS District Administrator – District 1
HCS Regional Administrator – Region 1
DDD Regional Administrator – Region 1
Washington State Long Term Care Ombudsman
Area Agency on Aging, AAA- Spo
Office of Financial Recovery, Vendor Program Unit
Medicaid Fraud Control Unit
Judi Plesha, HCS
HQ Central Files
BAM